REMARKS

Claims 5 to 13, 15 and 17 to 20 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 5 to 13, 15, 17, and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,754,262 to Hackett ("Hackett").

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Final Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Final Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; and see *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the rejections may not be agreed with, to facilitate matters, claims 5 and 9 have been rewritten as indicated below to include the feature in which "in response to each instance ~~at a point in time~~ of receiving a **first power level**, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval".

Thus, the system in claim 5 specifically requires that the triggering be in response to **each instance** of a ***first power level***, and a first and second timing sequence control system is triggered in response. This is illustrated, for example, in the lower portion of Figure 2.

In the "Response to Arguments" section, the Office Action conclusorily asserts that the first power level of claim 5 somehow corresponds to the baseline power level V_L of the Hackett system. (See Office Action, pg. 2). In this regard, the Office Action conclusorily asserts that the sensor units of Hackett "do not begin counting the response periods until the end of this 'tone burst'." (See id.) Even if V_L of Hackett did somehow correspond to the first power level, as asserted, Hackett still clearly does not identically disclose (nor suggest) the feature of triggering ***in response to each instance of receiving a first power level***, as provided for in the context of the claim as proposed.

That is, in Hackett, V_L is returned in between the pulses of the synchronizing signals without initiating any triggering. Accordingly, in Hackett there is no triggering in response to **each instance** when V_L is reached. Instead, according to the assertions in the Office Action, the sensors of Hackett "wait for the end of the sequence to begin counting, which means they are waiting for **a return** to a nominal baseline power level V_L". (See id.)

Accordingly, in the system of Hackett there are points in time when V_L is reached and no triggering occurs in response to V_L.

Accordingly, claim 5, as presented is allowable for these reasons alone, as are its dependent claims.

Still further, Hackett makes clear that it is triggered by "tone bursts" or pulses of voltage that go up and down typically at 6 kilohertz. Accordingly, Hackett does not identically disclose (or even suggest) the feature of triggering that is to be initiated ***by a first power level***, as provided for in the context of claim 5. This is because the Hackett system is triggered by specific *tone bursts and not when a specific voltage level is sensed*, as provided for in the context of the presently claimed subject matter.

The Office Action to date concede that the sensor units of Hackett "do not begin counting the response periods until the end of this 'tone burst'." Further, it conclusorily asserts that the first power level is disclosed by the baseline power level VL. Even if one would assume for the sake of argument that VL of Hackett somehow corresponds to the first power level, as asserted by the Final Office Action, then Hackett clearly does not identically

disclose (nor suggest) triggering **in response to each instance** ***of receiving a first power level,*** as provided for in the context of the claimed subject matter.

That is, in Hackett, VL is returned in between the pulses of the synchronizing signals without initiating any triggering. Accordingly, in Hackett there is no triggering at a point in each instance when VL is reached. Rather, the "sensors wait for the end of the sequence to begin counting" as conceded by the Office Action even though VL is sensed in between the pulses.

The Office Actions to date concede that the Hackett reference indicates that its control system is triggered by "tone bursts" which are superimposed on the DC power supply voltage. However, the Office has conclusorily asserted that the functionality of Hacket meets the broadest reasonable interpretation of the claim language as presented.

It is asserted that this is because the present claim language does not require that the triggering occur when the first power level is first received or that no other power levels may be received and that the triggering need not be in response to the first power level but only at a point in time of receiving a first power level.

As explained above, however, in Hackett, the VL is returned in between the pulses of the synchronizing signals without initiating triggering. Accordingly, in Hackett there are points in time when VL is reached and no triggering occurs.

It is respectfully submitted that the Office Actions to date essentially ignore the proper meanings of the above-discussed term-phrases -- which are to be understood in view of the specification. It is believed and respectfully submitted that the Office essentially ignores the *reasonable interpretation* of the above-discussed term-phrases and features, as provided for in the context of the claimed subject matter, and as would be understood by a person having ordinary skill in the art based on the specification. (See *In re Weiss*, 26 U.S.P.Q.2d 1885, 1887 (Fed. Cir. 1993) (when interpreting a claim term or phrase, one must "look to the specification for the meaning ascribed to that term"; Board reversed) (unpublished decision); *In re Okuzawa*, 190 U.S.P.Q. 464, 466 (C.C.P.A. 1976) ("claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their broadest *reasonable* interpretation"; Board reversed; emphasis in original) (citing *In re Royka*, 180 U.S.P.Q. 580, 582-83 (C.C.P.A. 1974) (claims are "not to be read in a vacuum and while it is true that they are to be given the broadest reasonable interpretation during prosecution, their terms still have to be given the meaning

called for by the specification of which they form a part"; Board reversed; emphasis in original); and *In re Rohrbacher*, 128 U.S.P.Q. 117, 119 (C.C.P.A. 1960) (an "applicant is his own lexicographer and words used in his claims are to be interpreted in the sense in which they are used in the specification"; Board reversed)).

It is respectfully submitted that this is exactly the case here since it is clear that the Hacket method/system does not meet the broadest *reasonable* interpretation of the claim language as explained above as to claims 5 and 9, as presented.

In short, Hackett does not identically disclose (nor suggest) a first timing sequence control system and a second timing sequence being triggered ***in response to each instance of receiving a first power level***, in which the first and second timing sequence control systems receive the ***first power level throughout the first and second time intervals***, as provided for in the context of the presently claimed subject matter.

In view of the foregoing, the Hackett reference cannot and does not anticipate claim 5, as presented, so that claim 5 is allowable, as are its dependent claims.

Claim 9, as presented, includes features like those of claim 5, as presented, and it is therefore allowable for essentially the same reasons, as are its dependent claims.

Claims 19 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,203,096 to Farley ("Farley").

While the rejections may not be agreed with, to facilitate matters, claims 19 and 20 have been rewritten as indicated below to include the feature in which, *whenever the first sensor detects an increase in the power received from the line to a first power level, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval*, and in which, *whenever the second sensor detects an increase in the power received from the line to a first power level, the second timing sequence control system is triggered and, upon being triggered, controls the transmission of the second sensor so that the second sensor transmits data via the line for the second time interval after the first time interval.*

Thus, claims 19 and 20 have been rewritten as indicated below to include the feature in which "whenever the first sensor detects an increase in the power received from the line to

a first power level, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval".

Thus, the system in claim 19 specifically requires the triggering to be **whenever** the first sensor detects an increase in the power received from the line to a first power level. This is illustrated, for example, in the lower portion of Figure 2.

The Office Action (at pg. 9) conclusorily asserts that the increased first power level of claim 19 somehow corresponds to the normal power voltage of the Farley system. In this regard, the Office Action asserts that although described as a "momentary interruption", the timer operation and sensor replies must be in response to the return to a positive voltage because otherwise the modules would be unpowered and unable to respond. It is believed and respectfully submitted that this is wholly unsupported speculation. According to Farley, for example, the "time constants of decoupler interface 26 are chosen such that after the initial charging of capacitors C5 and C6 the periodic interruptions in the DC signal on bus line 14 do not cause substantial discharge of the capacitors".

Thus, code generator 28 and timing circuitry 30 portions of the remote unit 12 are provided with a constant and uninterrupted supply voltage." (See col. 5, line 1-7) Also, "a level sensor 32 is also receptive of the DC signal on bus line 14. More specifically, level sensor 32 is suitably a normally saturated transistor Q2 having a base connected to the negative terminal of winding 50 of transformer T1. **Momentary interruptions in the DC signal on bus line 14 cause transistor Q2 to cut off, thus generating a reset signal at the collector thereof.**" (See col. 5, line 14-21).

Therefore, it is clear that the system of Farley does have an "uninterrupted supply voltage" and that the reset signals are generated by the momentary interruptions in the DC signal on bus line 14 which cause level sensor 32 (a saturated transistor Q2) to ***cut of*** *-- and not by a return to positive voltage as conclusorily asserted.*

Even if it were so that with the "momentary interruption" of Farley, the timer operation and sensor replies must be in response to the return to a positive voltage because otherwise the modules would be unpowered and unable to respond, as asserted, Farley still clearly does not identically disclose (nor suggest) the feature of triggering **whenever** the first sensor detects an increase in the power received from the line to a first power level, as provided for in the context of the claim as proposed.

That is, in Farley, the normal operating voltage is present before the momentary interruptions without initiating any triggering. Accordingly, in Farley there is no triggering **whenever** the first sensor detects an increase in the power received from the line to a first power level. According to the assertions in the Office Action, the timer operation and sensor replies of Farley must be in response to the **return** to a positive voltage". (See Office Action, pg. 9).

Accordingly, in the system of Farley, there are points in time when normal operating voltage is reached and no triggering occurs in response to normal operating voltage.

Accordingly, the applied reference does not identically disclose (or suggest) the foregoing features, so that claims 19 and 20, as presented, are allowable, so that claims 19 and 20, as presented, are allowable.

In summary, all of pending claims 5 to 13, 15 and 17 to 20 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 5 to 13, 15 and 17 to 20 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
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